

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Greenbelt Division**

IN RE:)
)
THE HEALTHY BACK STORE, LLC) **Case No. 15-14653 WIL**
)
Debtor)

**DEBTOR'S MOTION FOR EXPEDITED
HEARING ON SECOND EMERGENCY MOTION FOR THE
ENTRY OF INTERIM ORDER PURSUANT TO SECTION 364 OF
THE BANKRUPTCY CODE (A) AUTHORIZING THE DEBTOR
TO OBTAIN DEBTOR-IN-POSSESSION
FINANCING, (B) GRANTING SECURITY INTERESTS AND
SUPER PRIORITY CLAIMS, (C) APPROVING AGREEMENT
RELATING TO THE FOREGOING, (D) GRANTING RELATED
RELIEF, AND (E) SCHEDULING A HEARING ON THE
MOTION PURSUANT TO BANKRUPTCY RULE 4001(C)**

The Healthy Back Store, LLC (the “Debtor”), debtor and debtor-in-possession in the above-styled Chapter 11 case, by and through undersigned counsel, hereby moves this Court pursuant to Bankruptcy Rule 2002 for an Order scheduling an expedited hearing and shortening time for notice of the deadline to object to the second emergency motion (the “Motion”) for the entry of an order pursuant to section 105 and section 364 of title 11 of the United States Code, 11 U.S.C. §§ 101, et seq., as amended, and Rules 2002, 4001 and 9014 of the Federal Rules of Bankruptcy Procedure (a) authorizing the Debtor to obtain debtor-in-possession financing, (b) granting security interests and superpriority claims, (c) approving the agreements related to the foregoing, and (d) granting related relief (the “DIP Motion”) and in support thereof state as follows:

1. On April 1, 2015 (the “Petition Date”), the Debtor filed a voluntary petition under Chapter 11 of the Bankruptcy Code initiating this case. The Debtor has remained in possession

of its property and continues to manage its financial affairs as debtor-in-possession pursuant to §§ 1107 and 1108 of the Bankruptcy Code.

2. The Debtor has its principal place of business at 10300 Southard Drive, Beltsville, Maryland 20705.

3. Prior to the Petition Date, the Debtor operated nineteen (19) retail stores and three (3) warehouses in Maryland, Virginia, California, North Carolina, Florida, Colorado and Kentucky. The Debtor sells ergonomic mattresses, adjustable beds, office, lounge and massage chairs, seat lift chairs, comfort accessories and other furniture. Prior to the Petition Date, the Debtor closed eight (8) stores.

4. As of the Debtor's last payroll, the Debtor employed approximately 71 employees.

5. With the petition, the Debtor filed a motion seeking authority to incur debtor-in-possession financing (the "DIP Motion") but withdrew that motion at the first day hearings on April 8, 2015 while reserving the right to re-file if necessary.

6. The DIP Motion was withdrawn in part because the Debtor anticipated that it could fund any cash shortfall by using its corporate American Express card.

7. Without any prior notice or any explanation, on April 9, 2015, American Express cut off the Debtor's ability to use its corporate American Express card.

8. As a result of American Express' actions the Debtor will require the use of the financing contemplated in the DIP Motion to fund various expenses on the cash flow budget attached to the Cash Collateral Motion and DIP Motion.

9. Currently, the Debtor has insufficient funds to continue operating its business. The Debtor is operating by virtue of Mazwill Partners, LLC's agreement to advance funds under the pre-petition Loan Documents.

10. By this Motion, the Debtor respectfully requests that the Court schedule an expedited hearing on the Second DIP Motion filed herewith.

11. The Debtor believes that notice by electronic mail, overnight delivery or facsimile (as appropriate) to: (i) the Office of the United States Trustee, (ii) counsel to the secured lender, (iii) the creditors holding the twenty (20) largest unsecured claims against the Debtor, (iv) required government agencies, (v) and all parties that have requested notice pursuant to Bankruptcy Rule 2002(m) will be sufficient for entry of an order on this Motion.

12. The Debtor therefore seeks an Order from this Court scheduling an expedited hearing (the "Hearing") and requiring that any objections to the Second DIP Motion be presented at the hearing.

WHEREFORE, the Debtor respectfully requests the entry of an Order scheduling an expedited hearing on the Second DIP Motion, setting a deadline for objections to be filed and granting such other and further relief as is just and proper.

Respectfully submitted,

**SHULMAN, ROGERS, GANDAL,
PORDY & ECKER, P.A.**

By: /s/ Michael J. Lichtenstein
Michael J. Lichtenstein (Bar No. 05604)
Amy M. Simon (Bar No. 30188)
12505 Park Potomac Avenue, Sixth Floor
Potomac, Maryland 20854
TEL: (301) 230-5231 (Lichtenstein)
(301) 945-9238 (Simon)
FAX: (301) 230-2891
Email: mjl@shulmanroges.com
asimon@shulmanrogers.com

Attorneys for Debtor

Dated: April 13, 2015

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